

REMARKS

Claims 1-40 have been examined. Claim 6 has been rejected under 35 U.S.C. § 112, second paragraph, claims 29-40 have been rejected under 35 U.S.C. § 101, and claims 1-40 have been rejected under 35 U.S.C. § 102(e).

I. Information Disclosure Statement (“IDS”) dated January 30, 2004

On page 2 of the Office Action, the Examiner indicates that the IDS submitted on March 6, 2002 [sic: January 30, 2004] does not comply with 37 C.F.R. § 1.98(a)(2) because a Applicants did not submit a translated English abstract for Japanese Publication No. 2000-216988. Applicants submit that they did, in fact, file an English translation of the reference, an English abstract for the reference, and an English translation of the foreign Office Action citing the reference when the IDS was filed on January 30, 2004.

Furthermore, upon reviewing the website for the U.S. Patent and Trademark Office, Applicants note that PAIR contains electronic copies of all of the documents above and confirms that the documents were submitted on January 30, 2004. Accordingly, Applicants respectfully submit that the IDS contains the requisite concise English explanation of relevance and request the Examiner to consider the reference. Furthermore, Applicants are enclosing another copy of a Substitute for Form 1449 A & B/PTO listing Japanese Publication No. 2000-216988 for the Examiner’s convenience.

II. Rejection under 35 U.S.C. § 112, second paragraph

Claim 6 has been rejected under 35 U.S.C. § 112, second paragraph, because the phrase “the table” lacks antecedent basis. Applicants submit that the amendments to claim 6 overcome the rejection.

III. Rejection under 35 U.S.C. § 101

Claims 29-40 have been rejected under 35 U.S.C. § 101 because the claims are allegedly directed to non-statutory subject matter. Applicants submit that the amendments to claims 29-34 overcome the rejection with respect to these claims. Also, since claims 35-40 have been canceled without prejudice or disclaimer, the rejection of these claims is moot.

IV. Rejection under 35 U.S.C. § 102(e) over U.S.P. 6,430,291 to Ogino et al. ("Ogino")

Claims 1-40 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ogino. Applicants submit that the claims are patentable over the reference.

A. Claim 1

For example, claim 1 relates to a method for controlling duplication by embedding an electronic watermark into contents comprising digital information. Also, the electronic watermark is detected before the duplication is executed. On the other hand, Ogino does not suggest the features above.

For example, column 6, lines 36-56, explains that duplication prevention control content, which corresponds to the electronic watermark, is indicated by anti-duplication control information S2, a duplication start address, and a duplication end address. Furthermore, the duplication start and end addresses are used to erase a video signal S1 which has already been recorded on the disk 100. (*See, e.g.*, column 7, lines 60-65). As such, the electronic watermark is detected after the video signal S1 is recorded on the disk 100 and is used to erase the signal S1 after it has been duplicated. Therefore, Ogino does not teach detecting a watermark before duplication is executed, as claim 1 recites.

Also, claim 1 states that the electronic watermark indicates control information of contents subsequent to contents in which the electronic watermark is embedded. Since Ogino does not suggest these features, claim 1 is patentable for at least this additional reason.

B. Claims 2-6

Since claims 2-6 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

C. Claim 7

Since claim 7 contains features that are similar to the features discussed above in conjunction with claim 1, Applicants submit that the claim is patentable for similar reasons.

D. Claims 8-13

Since claims 8-13 depend upon claim 7, Applicants submit that they are patentable at least by virtue of their dependency.

E. Claim 14

Since claim 14 contains features that are similar to some of the features discussed above in conjunction with claim 1, Applicants submit that the claim is patentable for similar reasons.

F. Claims 15-19

Since claims 15-19 depend upon claim 14, Applicants submit that they are patentable at least by virtue of their dependency.

G. Claim 20

Since claim 20 contains features that are similar to some of the features discussed above in conjunction with claim 1, Applicants submit that the claim is patentable for similar reasons.

H. Claims 21-28

Since claims 21-28 depend upon claim 20, Applicants submit that they are patentable at least by virtue of their dependency.

I. Claim 29

Since claim 29 contains features that are similar to the features discussed above in conjunction with claim 1, Applicants submit that the claim is patentable for similar reasons.

J. Claims 30-34

Since claims 30-34 depend upon claim 29, Applicants submit that they are patentable at least by virtue of their dependency.

K. Claims 35-40

Since claims 35-40 have been canceled without prejudice or disclaimer, the rejection of the claims is moot.

V. Conclusion

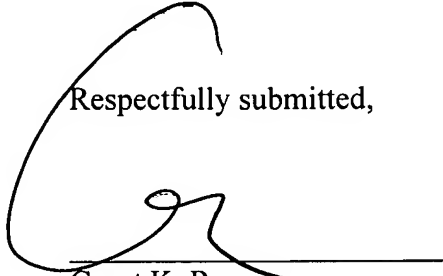
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/091,027

Attorney docket No. Q68837

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Grant K. Rowan
Registration No. 41,278

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 16, 2007